

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CARMELITA M. DESIDERIO,
Personal Representative of the
Estate of PHILLIP R. CURLEY, deceased,

Plaintiff,

v.

No. 1:23-cv-00057-SCY-KRS

UNITED STATES OF AMERICA;
JANELLE D. JONES, M.D.; and
JOY G. HARRISON, M.D.,

Defendants.

ORDER QUASHING ORDER TO SHOW CAUSE

THIS MATTER is before the Court on Plaintiff's Response to the Court's Order to Show Cause. (Doc. 27). On September 15, 2023, the Court ordered Plaintiff to show cause why this case should not be dismissed as to Defendant Harrison for failure to prosecute. (Doc. 26). Plaintiff states that, pursuant to the Court's previous Order authorizing service by publication on Defendant Harrison, (Doc. 23), Plaintiff served Defendant Harrison by publishing notice of service for three weeks in Newsday in Nassau County, New York, and in the Albuquerque Journal in Bernalillo County. (Doc. 27). Plaintiff attaches proof of service by publication. (Doc. 27-1). Based on Plaintiff's Response to the Order to Show Cause, the Court hereby QUASHES the Order to Show Cause. The Court will set a Rule 16 Initial Scheduling Conference by separate Order.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE